

# UNITED STATES DISTRICT COURT

District of Nevada

UNITED STATES OF AMERICA

v.

MATTHEW LEROY WHITAMORE

## JUDGMENT IN A CRIMINAL CASE

Case Number: 3:15-CR-0101-RCJ-WGC

USM Number: 51900-048

Sylvia Irvin, AFPD  
Defendant's Attorney

### THE DEFENDANT:

☒ pleaded guilty to count(s) SINGLE-COUNT SUPERSEDING INFORMATION

☐ pleaded nolo contendere to count(s) \_\_\_\_\_  
which was accepted by the court.

☐ was found guilty on count(s) \_\_\_\_\_  
after a plea of not guilty.

The defendant is adjudicated guilty of these offenses:

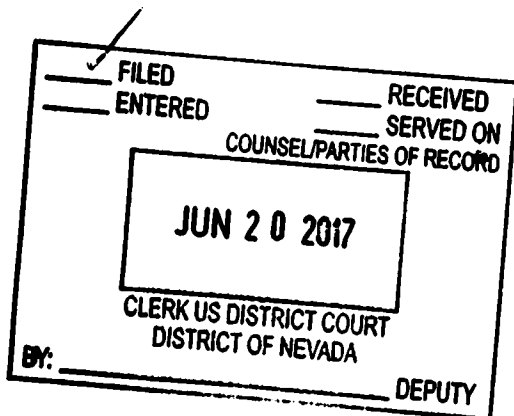
Title & Section	Nature of Offense	Offense Ended	Count
18 U.S.C. § 2252A(a)(2) and (b)	Receipt of Child Pornography	9/03/2015	ONE

The defendant is sentenced as provided in pages 2 through 8 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

☐ The defendant has been found not guilty on count(s) \_\_\_\_\_

☒ Count(s) All remaining ☐ is ☐ are dismissed on the motion of the United States.

It is ordered that the defendant must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.



JUNE 12, 2017  
Date of Imposition of Judgment

Robert C. Jones  
Signature of Judge  
ROBERT C. JONES  
UNITED STATES DISTRICT JUDGE  
Name and Title of Judge

June 20, 2017.  
Date

DEFENDANT: MATTHEW LEROY WHITTAMORE  
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### IMPRISONMENT

The defendant is hereby committed to the custody of the Federal Bureau of Prisons to be imprisoned for a total  
term of: **SIXTY (60) MONTHS**

☒ The court makes the following recommendations to the Bureau of Prisons:

That the defendant be designated to FCI Englewood, Colorado.

☐ The defendant is remanded to the custody of the United States Marshal.

☐ The defendant shall surrender to the United States Marshal for this district:

☐ at \_\_\_\_\_ ☐ a.m. ☐ p.m. on \_\_\_\_\_.

☐ as notified by the United States Marshal.

☒ The defendant shall surrender for service of sentence at the institution designated by the Bureau of Prisons:

☒ before 2 p.m. on 9/11/2017.

☐ as notified by the United States Marshal.

☐ as notified by the Probation or Pretrial Services Office.

### RETURN

I have executed this judgment as follows:

Defendant delivered on \_\_\_\_\_ to \_\_\_\_\_  
a \_\_\_\_\_, with a certified copy of this judgment.

\_\_\_\_\_  
UNITED STATES MARSHAL

\_\_\_\_\_  
DEPUTY UNITED STATES MARSHAL

DEFENDANT: MATTHEW LEROY WHITTAMORE  
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### **SUPERVISED RELEASE**

Upon release from imprisonment, you will be on supervised release for a term of: TWENTY (20) YEARS

### **MANDATORY CONDITIONS**

1. You must not commit another federal, state or local crime.
2. You must not unlawfully possess a controlled substance.
3. You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of release from imprisonment and at least two periodic drug tests thereafter, as determined by the court, not to exceed 104 tests annually.
  - ☐ The above drug testing condition is suspended, based on the court's determination that you pose a low risk of future substance abuse. *(check if applicable)*
4. ☒ You must cooperate in the collection of DNA as directed by the probation officer. *(check if applicable)*
5. ☒ You must comply with the requirements of the Sex Offender Registration and Notification Act (42 U.S.C. § 16901, *et seq.*) as directed by the probation officer, the Bureau of Prisons, or any state sex offender registration agency in the location where you reside, work, or are a student, or were convicted of a qualifying offense. *(check if applicable)*
6. ☐ You must participate in an approved program for domestic violence. *(check if applicable)*

You must comply with the standard conditions that have been adopted by this court as well as with any other conditions on the attached page.

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### STANDARD CONDITIONS OF SUPERVISION

As part of your supervised release, you must comply with the following standard conditions of supervision. These conditions are imposed because they establish the basic expectations for your behavior while on supervision and identify the minimum tools needed by probation officers to keep informed, report to the court about, and bring about improvements in your conduct and condition.

1. You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of your release from imprisonment, unless the probation officer instructs you to report to a different probation office or within a different time frame.
2. After initially reporting to the probation office, you will receive instructions from the court or the probation officer about how and when you must report to the probation officer, and you must report to the probation officer as instructed.
3. You must not knowingly leave the federal judicial district where you are authorized to reside without first getting permission from the court or the probation officer.
4. You must answer truthfully the questions asked by your probation officer.
5. You must live at a place approved by the probation officer. If you plan to change where you live or anything about your living arrangements (such as the people you live with), you must notify the probation officer at least 10 days before the change. If notifying the probation officer in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
6. You must allow the probation officer to visit you at any time at your home or elsewhere, and you must permit the probation officer to take any items prohibited by the conditions of your supervision that he or she observes in plain view.
7. You must work full time (at least 30 hours per week) at a lawful type of employment, unless the probation officer excuses you from doing so. If you do not have full-time employment you must try to find full-time employment, unless the probation officer excuses you from doing so. If you plan to change where you work or anything about your work (such as your position or your job responsibilities), you must notify the probation officer at least 10 days before the change. If notifying the probation officer at least 10 days in advance is not possible due to unanticipated circumstances, you must notify the probation officer within 72 hours of becoming aware of a change or expected change.
8. You must not communicate or interact with someone you know is engaged in criminal activity. If you know someone has been convicted of a felony, you must not knowingly communicate or interact with that person without first getting the permission of the probation officer.
9. If you are arrested or questioned by a law enforcement officer, you must notify the probation officer within 72 hours.
10. You must not own, possess, or have access to a firearm, ammunition, destructive device, or dangerous weapon (i.e., anything that was designed, or was modified for, the specific purpose of causing bodily injury or death to another person such as nunchukus or tasers).
11. You must not act or make any agreement with a law enforcement agency to act as a confidential human source or informant without first getting the permission of the court.
12. If the probation officer determines that you pose a risk to another person (including an organization), the probation officer may require you to notify the person about the risk and you must comply with that instruction. The probation officer may contact the person and confirm that you have notified the person about the risk.
13. You must follow the instructions of the probation officer related to the conditions of supervision.

### U.S. Probation Office User Only

A U.S. probation officer has instructed me on the conditions specified by the court and has provided me with a written copy of this judgment containing these conditions. For further information regarding these conditions, see *Overview of Probation and Supervised Release Conditions*, available at: [www.uscourts.gov](http://www.uscourts.gov).

Defendant's signature \_\_\_\_\_

Date \_\_\_\_\_

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**SPECIAL CONDITIONS OF SUPERVISION**

1. **Possession of Weapons** - The defendant shall not possess, have under your control, or have access to any firearm, explosive device, or other dangerous weapons, as defined by federal, state, or local law.
2. **Warrantless Search** - The defendant shall submit to the search of your person, property, residence or automobile under your control by the probation officer or any other authorized person under the immediate and personal supervision of the probation officer, without a search warrant to ensure compliance with all conditions of release.
3. **Sex Offender Treatment** - The defendant shall attend, cooperate with, and actively participate in a sex offender treatment program, which may include polygraph examinations, as approved and directed by the probation officer, and as recommended by the assigned treatment provider.
4. **Pre-approved Residence** - The defendant's residence shall be pre-approved by the probation officer. The defendant shall not reside in a location that has direct view of places such as school yards, parks, public swimming pools, recreational centers, playgrounds, and day care or youth centers, video arcade facilities, or other places that are primarily used by children under the age of 18.
5. **No Contact with Minors** - The defendant shall not associate with children under the age of 18, without the consent of a parent or guardian who is aware of the nature of the defendant's background and offense conduct. Furthermore, the association shall only occur in the presence of a responsible adult who is also aware of the nature of the defendant's background and offense conduct. The consent and notification shall be confirmed and approved by the probation officer in advance. The defendant shall not loiter within 100 feet of places primarily used by children under the age of 18. This includes, but not limited to, school yards, playgrounds, arcades, public swimming pools, water parks, and day care centers. The defendant shall not engage in any occupation, either paid or volunteer, that caters to know persons under the age of 18.
6. **Computer Restriction and Monitoring** - The defendant shall keep the probation officer accurately informed of all computers and computer related digital devices or equipment with memory and/or wireless capabilities that he owns, uses, possesses or has access to. This includes, but is not limited to, desktop, laptop, and tablet computers, smart phones, cameras, digital readers, and thumb drives. The defendant shall provide to the probation officer all device and program passwords and internet service provider information, upon request. The defendant shall consent to the installation of any hardware or software systems on any computer or computer related digital device, to monitor the use of said equipment, at the direction of the probation officer; and the defendant agrees not to tamper with such hardware or software and not install or use any software programs designed to hide, alter, or delete his/her computer activities. Furthermore, the defendant shall consent to the inspection, imaging, copying of data, or removal of any device to ensure compliance with conditions.

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**CONTINUED SPECIAL CONDITIONS OF SUPERVISION**

7. **Notice to Employer of Computer Restriction** - The defendant shall consent to third-party disclosure to any employer or potential employer, concerning any computer related restrictions that are imposed upon him. This includes activities in which the defendant is acting as a technician, advisor, or consultant with or without any monetary gain or other compensation.
8. **Pornography Prohibition** - You shall not possess, own, use view, or read any material depicting and/or describing 'sexually explicit conduct' involving children, as defined by 18 U.S.C. § 2256(2), or 'actual sexually explicit conduct' involving adults, as defined by 18 U.S.C. § 2257(h)(1). This prohibition includes, but is not limited to, computer images, pictures, photographs, books, writings, drawings, videos, or video games. The definition under 18 U.S.C. § 2256(2) means actual or simulated (a) sexual intercourse, including genital-genital, oral-genital, or oral-anal, whether between the same or opposite sex; (b) bestiality; (c) masturbation; (d) sadistic or masochistic abuse; or (e) lascivious exhibition of the genitals or pubic area of any person. The definition under 18 U.S.C. § 2257(h)(1) means actual, but not simulated, conduct as defined in clauses (a) - (e) above. Furthermore, the defendant shall not patronize any place where the primary purpose is related to such material or entertainment.
9. **Report to Probation Officer After Release from Custody** - You shall report, in person, to the probation office in the district to which you are released within 72 hours of discharge from custody.

## CRIMINAL MONETARY PENALTIES

**\*\* Findings for the total amount of losses are required under Chapters 109A, 110, 110A, and 113A of Title 18 for offenses committed on or after September 13, 1994, but before April 23, 1996.**

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### SCHEDULE OF PAYMENTS

Having assessed the defendant's ability to pay, payment of the total criminal monetary penalties is due as follows:

- A ☒ Lump sum payment of \$ 100.00 due immediately, balance due
- ☐ not later than \_\_\_\_\_, or  
☐ in accordance with ☐ C, ☐ D, ☐ E, or ☐ F below; or
- B ☐ Payment to begin immediately (may be combined with ☐ C, ☐ D, or ☐ F below); or
- C ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after the date of this judgment; or
- D ☐ Payment in equal \_\_\_\_\_ (e.g., weekly, monthly, quarterly) installments of \$ \_\_\_\_\_ over a period of \_\_\_\_\_ (e.g., months or years), to commence \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment to a term of supervision; or
- E ☐ Payment during the term of supervised release will commence within \_\_\_\_\_ (e.g., 30 or 60 days) after release from imprisonment. The court will set the payment plan based on an assessment of the defendant's ability to pay at that time; or
- F ☐ Special instructions regarding the payment of criminal monetary penalties:

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

- ☐ Joint and Several

Defendant and Co-Defendant Names and Case Numbers (including defendant number), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

- ☐ The defendant shall pay the cost of prosecution.
- ☐ The defendant shall pay the following court cost(s):
- ☒ The defendant shall forfeit the defendant's interest in the following property to the United States:  
SEE ATTACHED ORDER OF FORFEITURE

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) fine principal, (5) fine interest, (6) community restitution, (7) JVT A assessment, (8) penalties, and (9) costs, including cost of prosecution and court costs.



**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

UNITED STATES OF AMERICA,	)	3:15-CR-101-RCJ-(WGC)
	)	
Plaintiff,	)	
	)	
v.	)	Preliminary Order of Forfeiture
	)	
MATTHEW WHITTAMORE,	)	
	)	
Defendant.	)	

This Court finds that defendant MATTHEW WHITTAMORE pled guilty to Count One of a One-Count Superseding Information charging him with Receipt of Child Pornography in violation of Title 18, United States Code, Section 2252A(a)(2). Superseding Information, ECF No. 39; Arraignment and Plea, ECF No. 37.

This Court finds defendant MATTHEW WHITTAMORE agreed to the forfeiture of the property set forth in the Forfeiture Provision of the Superseding Information. Superseding Information, ECF No. 39; Arraignment and Plea, ECF No. 37.

This Court finds, pursuant to Fed. R. Crim. P. 32.2(b)(1) and (2), the United States of America has shown the requisite nexus between property set forth in the Forfeiture Provision of the Superseding Information and the offense to which defendant MATTHEW WHITTAMORE pled guilty.

///

1 The following property is subject to forfeiture pursuant to Title 18, United States Code,  
2 Section 2253:

3 Hitachi 320 GB Hard Drive, SN RC0HB99B (property).

4 This Court finds the United States of America is now entitled to, and should, reduce the  
5 aforementioned property to the possession of the United States of America.

6 NOW THEREFORE, IT IS HEREBY ORDERED, ADJUDGED, AND DECREED that  
7 the United States of America should seize the aforementioned property.

8 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED all right, title, and interest  
9 of MATTHEW WHITTAMORE in the aforementioned property is forfeited and is vested in the  
10 United States of America and shall be safely held by the United States of America until further  
11 order of the Court.

12 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the United States of  
13 America shall publish for at least thirty (30) consecutive days on the official internet government  
14 forfeiture website, [www.forfeiture.gov](http://www.forfeiture.gov), notice of this Order, which shall describe the forfeited  
15 property, state the time under the applicable statute when a petition contesting the forfeiture must  
16 be filed, and state the name and contact information for the government attorney to be served  
17 with the petition, pursuant to Fed. R. Crim. P. 32.2(b)(6) and Title 21, United States Code,  
18 Section 853(n)(2).

19 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that any individual or  
20 entity who claims an interest in the aforementioned property must file a petition for a hearing to  
21 adjudicate the validity of the petitioner's alleged interest in the property, which petition shall be  
22 signed by the petitioner under penalty of perjury pursuant to Title 21, United States Code,  
23 Section 853(n)(3) and Title 28, United States Code, Section 1746, and shall set forth the nature  
24 and extent of the petitioner's right, title, or interest in the forfeited property and any additional  
25 facts supporting the petitioner's petition and the relief sought.

26 ///

1 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a petition, if any, must be  
2 filed with the Clerk of the Court, Bruce R. Thompson U.S. Courthouse and Federal Building,  
3 400 South Virginia Street, 3rd Floor, Reno, NV 89501, no later than thirty (30) days after the  
4 notice is sent or, if direct notice was not sent, no later than sixty (60) days after the first day of  
5 the publication on the official internet government forfeiture site, [www.forfeiture.gov](http://www.forfeiture.gov).

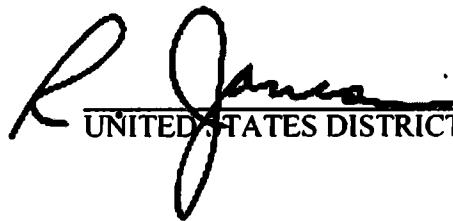
6 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED a copy of the petition, if  
7 any, shall be served upon the Asset Forfeiture Attorney of the United States Attorney's Office at  
8 the following address at the time of filing:

9 Greg Addington  
10 Assistant United States Attorney  
11 100 West Liberty Street, Suite 600  
12 Reno, NV 89501

13 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED the notice described  
14 herein need not be published in the event a Declaration of Forfeiture is issued by the appropriate  
15 agency following publication of notice of seizure and intent to administratively forfeit the above-  
16 described property.

17 IT IS FURTHER ORDERED, ADJUDGED, AND DECREED that the Clerk send copies  
18 of this Order to all counsel of record.

19 )DATED: This 1<sup>st</sup> day of February, 2017.

20  
21   
22 UNITED STATES DISTRICT JUDGE  
23  
24  
25  
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